THE CITY OF ASHEVILLE

City Council Staff Report

Council Meeting Date

- April 14, 2026 - First reading; April 28, 2026 - Second and Final Reading

Subject

- Revision to Chapter 10 of the Asheville Code of Ordinances to Amend Article VI, Regulation of Graffiti

Staff Resource(s)

- Public Works: Amy Deyton (Director)
- Legal: Carly Gillingham, Asst. City Attorney

Action Requested

- Adoption of an ordinance amending Article VI, Regulation of Graffiti, of Chapter 10, Nuisances, of the Code of Ordinances to Amend the Definition of “Graffiti”

Background

- §§ 10-110–10-115 of the Code of Ordinances regulate graffiti as a public nuisance.
- Current definition of graffiti in §10-110 includes temporary, easily removable chalk and other water soluble materials unless used “in connection with traditional children’s activities” or “any lawful business or public purpose or activity.”
- City leadership has expressed interest in easing restrictions on street and sidewalk chalk. Staff is interested in continuing to regulate some chalk as graffiti, like forms of chalk that are more permanent than sidewalk chalk; chalk graffiti placed on surfaces other than streets and sidewalks (vertical walls, sitting surfaces, monuments, etc.); and chalk graffiti that may pose a public safety risk.
- Proposed amendment would modify the definition of “graffiti” to.
    - (1) **remove “chalk”** (*but* add and define “sprayable chalk” in response to Public Works staff identifying the existence of industrial-grade, less soluble types of sprayable chalks similar to spray paint);
    - (2) permit temporary, easily removable chalk/water soluble markings provided they are placed upon **streets or sidewalks** (in response to Public Works staff identifying challenges stemming from chalk placed on monuments, vertical walls, sitting surfaces, etc. being more difficult to

remove and not washing off naturally in rainy weather) *and* provided they do not pose any **public safety risk**; and
    - (3) **keep** the exception for *any* markings (of any material) made to denote locations of underground utility infrastructure, survey control data, and survey location points.

Vendor Outreach Efforts:

- N/A

Council Vision 2036 Focus Area(s):

- A Clean , Safe, and Healthy Environment

Council Priority Recovery Area(s):

- Infrastructure & Environment

Committee(s):

- Public Safety Committee - March 26th, 2026 - 2-0 approval to move forward to City Council

Pro(s)

- Removes undefined terms from existing ordinance language to promote clarity
- Eases restrictions on most “sidewalk chalk”
- May save staff resources

Con(s)

- Limits staff’s ability to remove chalk from City-owned property or order removal from private property, which may cause an increase in visible chalk markings

Fiscal Impact

- May reduce staff time/material costs to address temporary, removable graffiti.

Suggested Motion

- Move to adopt an ordinance amending Article VI, Regulation of Graffiti, of Chapter 10, Nuisances, of the Asheville Code of Ordinances to amend the definition of graffiti.

Attachment(s)

- Ordinance

- Marked up changes